

**Adecco Group UK&I Ltd Consultation Statement**  
**ICO Direct Marketing Code of Practice**

**Objective**

The Code aims to provide practical guidance and promote good practice in relation to direct marketing. The intent is to help organisations ensure their marketing activities are compliant with the General Data Protection Regulation and Data Protection Act 2018 and the Privacy and Electronic Communications Regulations 2003 ("PECR").

**Content**

The Code will address the aspects of the new legislation relevant to direct marketing, including transparency and lawful bases for processing and the rules on electronic marketing (such as emails, text messages, phone calls) under PECR.

The European Union is in the process of replacing the current e-privacy law (and therefore PECR) with a new ePrivacy Regulation ("ePR"). The new ePR is yet to be agreed and there is therefore currently no certainty about what the final rules will be. The Code will only cover the current PECR rules until the ePR is agreed.

**Adecco Group UK&I Ltd Consultation & Information Sought**

The consultation asks stakeholders for their views on the Code's content and structure, and in particular:

**Which changes to data protection legislation should be the focus of the Code.**

Adecco Group UK Ltd are a leader of providing recruitment services, as such part of the service we provide requires, in some capacity, being able to market to either clients or prospective candidates. When providing feedback for the ICO's Direct Marketing Code of Practice, we are keen to receive further guidance on the lawful basis for processing data. This should take the form of concrete examples of where the following is applicable; legitimate interest, consent, performance of a contract, or statutory duty.

**What developments are impacting current direct marketing practices.**

Developments which are currently impacting direct marketing practices are the need to capture consent, and what circumstances we should be relying on consent. Future developments on which we would appreciate guidance would be the length of time consent remains valid and at what point fresh consent should be obtained.

Further to this, with the use of new tools, applications and systems coming to the market; PECR & GDPR goes in some detail to address issues of consent and marketing in line with existing methods of communication. We encourage

the Code of Practice to also explore additional and newer forms of contacting individuals such as through new social media platforms and consumer facing artificial intelligence systems.

The suggested approach of producing the Code before the draft ePR is agreed, and then producing a revised Code once the ePR becomes law.

We agree with this approach

The relevance of the content of the ICO's existing direct marketing guidance, and what other additional areas should be covered.

The existing ICO's direct marketing guidance covers Business-to-business texts and emails under GDPR, namely, *"If you are processing an individual's personal data to send business to business texts and emails the right to object at any time to processing of their personal data for the purposes of direct marketing will apply. The right to object to marketing is absolute and you must stop processing for these purposes when someone objects."* We would ask for further clarity in relation to the use of business to business marketing in comparison to business to consumer marketing.

Whether it is easy to find information in the existing direct marketing guidance.

We believe it is currently easy to find information in the existing direct marketing guidance.

Any case studies or marketing scenarios that should be included in the Code.

We would ask that any case studies on Business to Business marketing scenarios and Business to Consumer marketing practices be included in the Code.